

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

KENNETH DOUGHERTY,

Defendant.

**DECISION AND ORDER
12-CR-281S**

1. On February 19, 2013, the Defendant pled guilty to Counts 1, 2, and 3 of the Indictment (Docket No. 23) charging violations of Title 18 USC §922(g)(1) and 924(a)(2) (possession of a firearm by a convicted felon), Title 18 USC §922(k) and 924(a)(1)(B) (possession of a firearm with obliterated serial number) and Title 18 USC §922(g)(1) and 924(a)(2) (possession of ammunition by a convicted felon).

2. On February 19, 2013, the Honorable Leslie G. Foschio, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 38) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1) and Local Rule 59(b).

4. This Court has carefully reviewed *de novo* Judge Foschio's February 19, 2013, Report and Recommendation, the Government's Calculation of Maximum Sentence and Sentencing Guideline Range, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Foschio's Report and Recommendation, and will accept Judge Foschio's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's February 19, 2013, Report and Recommendation (Docket No. 38) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant, Kenneth Dougherty, is accepted, and he is now adjudged guilty of Title 18 USC §922(g)(1), Title 18 USC §922(k) and Title 18 USC §922(g)(1).

FURTHER, that the Forfeiture Allegation contained in the Indictment (Docket No. 32) is deemed admitted.

SO ORDERED.

Dated: March 18, 2013
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court